



MEMORANDUM

TO: Hon. Anthony Cardone, Supervisor

FROM: Maximilian A. Stach, AICP

SUBJECT: Revised draft proposed Article XIV governing non-conforming uses and non-complying buildings or lots.

DATE: April 5, 2021

CC: Brian Nugent, Esq – Town Attorney

We are pleased to provide the necessary SEQR materials in order for you to adopt the proposed amendments to the Zoning Local Law, establishing standard relief for “Existing Noncomplying Buildings and Lots” similarly to how relief is provided for existing “Nonconforming Uses.”

The proposed local law is an amendment to zoning, to provide relief for existing lots that do not meet the dimensional requirements of zoning but were legally created prior to the imposition of current zoning provisions. These types of uses are typically "grandfathered" in most codes throughout the region to allow modest use of the property, so long as the non-conformity is not increased. This allows modest relief without having to tax the resources of the Town Zoning Board or require added costs to a landowner.

The proposed amendments are not anticipated to result in any adverse impacts, given that under any conceived scenario meeting the parameters established under the proposed provisions, a variance would likely be issued for relief. The changes are therefore anticipated to result in an administrative streamlining of process as opposed to substantive changes in how the Town is physically developed in the future.

The Town Board, being the only agency with jurisdiction over this local law amendment may declare itself as Lead Agency, classify the action as Type 1 (it could be considered a change in the allowable uses of a zoning district effecting 25 acres or more), and adopt the EAF Parts 1-3 and the Negative Declaration of Environmental Significance.

Please note that this local law requires referral to Orange County Planning Department for report under GML 239 and notice of the public hearing must be mailed to the clerks of all adjoining municipalities.

If you have any questions, do not hesitate to contact me at your convenience.